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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/056,005

01/28/2002

Shuichi Karino

8013-1002

2094

466

7590

02/21/2006

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EXAMINER

DYKE, KERRI M

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/056,005

Applicant(s)

KARINO ET AL.

Examiner

Kerri M. Dyke

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22, 25-27, 30-32 and 35-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22, 25-27, 30-32 and 35-92 is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10-15 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 2, 9 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/13/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see page 30, filed 02/01/2006, with respect to claims 2, 9, and 16 have been fully considered and are persuasive. The rejection of claims 2, 9, and 16 has been withdrawn.
2. Applicant's arguments, see page 30, filed 02/01/2006, with respect to claims 23, 28, and 33 have been fully considered and are persuasive. The objection of claims 23, 28, and 33 has been withdrawn.
3. Applicant's arguments, see pages 31-33, filed 02/01/2006, with respect to claims 22-92 have been fully considered and are persuasive. The rejection of claims 22-92 has been withdrawn.
4. Applicant's arguments, see pages 29-31, filed 02/01/2006, with respect to claims 1, 3-8, 10-15, and 17-21 have been fully considered but they are not persuasive. Fowler discloses a preferred time period of one second in column 1 lines 53-56. Independent claims 1, 8, and 15 indicate only that the excess packets are not sent within the current time period. The limitations do not forbid the packets from being sent during a later time period provided there are no excess packets during that time period. The rejection of claims 1, 3-8, 10-15, and 17-21, below, is copied from the office action of 11/15/2005 and has been amended to include the clarifications given above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-4, 6-8, 10-11, 13-15, 17-18, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer et al. (WO 00/72485, provided by applicant) in view of Fowler (US 5,793,978, provided by the applicant).

7. In regards to claims 1, 8, and 15, Sauer et al. disclose a communication network comprising: a host network; a plurality of base stations; at least a mobile host capable of establishing links to said base stations (Figure 5); and multiple-point routings between said base stations and said host network, and said routers including at least a page-area managing router for managing at least a page a hierarchy-network of plural routers providing area for recording said mobile host (Page 8 line 18), wherein said page-area managing router limits, within a predetermined number, the number of transfer-acceptable packets in packets received in a predetermined managing router transfers only said ordinate routers managed by said time period (page 6 line 10). Sauer et al. does not disclose so that said page-area transfer-acceptable packets to sub- page-area managing router, and said Page-area managing router does not transfer exceeding transfer-requested packets received additionally to said transfer-acceptable packets in said predetermined time period.

Fowler discloses a system for routing packets by separating packets in to broadcast and nonbroadcast packets and limiting the resources for the broadcast packets (column 1 lines 41-52). A preferred time period of one second is disclosed in column 1 lines 53-56.

It would have been obvious to one of ordinary skill in the art to add the packet limiting feature of Fowler to the communication network of Sauer et al. in order to conserve resources as taught by Fowler in column 1 lines 37-39.

8. In regards to claims 3, 10, and 17, Sauer et al. and Fowler disclose the inventions of claims 1, 8, and 15 wherein said page-area managing router is capable of optionally setting said predetermined number for said transfer-acceptable packets (column 1 lines 52-55).

9. In regards to claims 4, 11, and 18, Sauer et al. and Fowler disclose the inventions of claims 3, 10, and 17 wherein said predetermined number is a natural number. The number inherently is a natural number. The limit cannot be a fraction of bit, because a fraction of a bit cannot be made. Even if the limit is set to a fraction of a byte, it translates into an integer amount of bits.

10. In regards to claims 6-7, 13-14, and 20-21, Sauer et al. and Fowler disclose the inventions of claims 1, 8, and 15 wherein said page-area managing router transmits, through said host network to a caller a second packet-transmission suppression request which requests said caller to widen a time interval of discontinuous transmission of said packets. Fowler also teaches wherein said page-area managing router transmits, through said host network to a caller, a second packet-transmission suppression request which request said caller to stop transmission of said packet until said predetermined time period has passed, and re-start said packet transmission thereafter. These are windowing functions, which are inherent in TCP/IP protocol.

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11. Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer et al. (WO 00/72485) in view of Fowler (US 5,793,978) further in view of Allen, Jr. et al. (US 6,169,735).

12. In regards to claims 5, 12, and 19, Sauer et al. and Fowler disclose the inventions of claims 1, 8, and 15, but not wherein said page-area managing router is capable of optionally setting said predetermined time period.

Allen, Jr. et al. discloses setting the time period in column 10 lines 51-53.

It would have been obvious to one of ordinary skill in the art to allow the time period to be optionally set, as taught by Allen, Jr. et al. within the communication system of Sauer et al. and Fowler et al. because allowing the operator the ability to set the time period gives the operator control over bandwidth efficiency as taught by Allen, Jr. et al. in column 10 lines 50-58.

#### ***Allowable Subject Matter***

13. Claims 22, 25-27, 30-32, and 35-92 are allowed.

14. Claims 2, 9, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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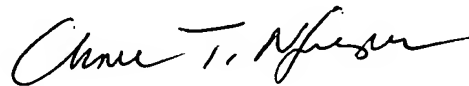
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Friday, 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kmd



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